



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/943,910 Confirmation No.: 2364
Applicant : J. Stuart Cumming
Filing Date : August 31, 2001
Title : INTRAOCULAR LENS WITH FIXATED HAPTICS
Group Art Unit : 3738
Examiner : Christopher D. Prone
Docket No. : 13533.4030
Customer No. : 34313

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action dated June 13, 2005.

Favorable reconsideration of this application is requested.

The claims of the present application are specifically directed to a lens having a single optic, one or more plate haptics extending from the edge of the optic, and the haptics being designed to have outer ends for directly engaging the capsular bag of the eye. Because of the design of the haptics being adapted to move the optic anteriorly and posteriorly the lens provides accommodation. Further, the haptics

CERTIFICATE OF MAILING
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 14, 2005

DOCSOC1:158673.1


Jodie Davis

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have one or more protuberances for directly engaging the capsular bag. The overall design is such that the optic moves anteriorly and posteriorly upon constriction and relaxation of the ciliary muscle of the eye imparting forces directly to the outer ends of the haptic, and not some intermediate bag enclosing the optic and haptics like in Klaas.

With respect to the Examiner's comments on page 4 concerning the arguments file 01/18/05, it was not Applicant's intent to say or imply that the Examiner does not fully understand the invention of Klaas. However, it is respectfully submitted that the Examiner is misinterpreting the invention and disclosure of Klaas.

In particular, Klaas discloses an intraocular lens having a lens part 1 which can be shifted when the optical axis of the lens is inclined, and the lens part is mounted within an artificial capsule bag 12. The lenses shown in Figures 14 through 16 are, as stated in Klaas, to form movable lens parts 4 for his lens design wherein any of these lenses can go within the bag 12 as the lens part 1.. There is no teaching nor suggestion that the lenses of Figures 14 – 15 are to be used other than within his bag 12. Figure 16 shows a standard IOL with loop haptics 14 and which is not an accommodating lens, but in the case of Klaas is indicated that the lens of Fig. 16 is the lens that goes in the bag 12.

Thus, there is no teaching whatsoever of an accommodating lens as defined in the present claims, wherein the outer ends of the haptics are to directly engage the capsular bag as defined in independent Claims 9, 25 and 30. The design of the present lens is made for the outer ends of the accommodating lens to directly engage within the capsular bag. Klaas teaches away from this design.

Furthermore, a combination of a non-accommodating Fresnel IOL of Schlegel with Klaas is not something that one would be motivated to do. Klaas requires a

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movable lens within a bag; Schlegel specifically is not a movable lens, and to put it in the bag 12 of Klaas would be completely contrary to the teachings of Klaas.

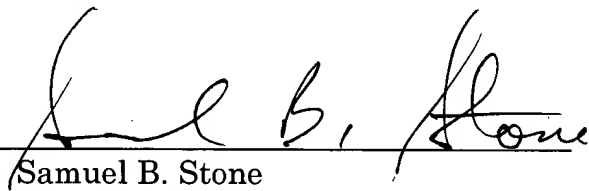
In view of the foregoing, favorable reconsideration of this application is requested.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 14, 2005

By: 
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